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DEPARTMENT OF NATURAL RESOURCES

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Division of Oil, Gas and Mining

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90150097

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April 2, 2009

Ted Thompson
Carnotite LLC
775 East Claybourne Avenue
Salt Lake City, Utah 84106

Subject: Deficient Notice of Intention to Commence Small Mining Operations, Carnotite LLC, Carnotite West Mine, S0150097, Emery County, Utah

Dear Mr. Thompson:

I apologize for the time it has taken to review the latest submittals of your Notice of Intention to Commence Small Mining Operations (NOI). The Division has received nine submittals since the original NOI was received February 4, 2008, and I have reviewed the most recent submittal which was received by the Division March 11, 2009. According to the cover letter, this is a copy of the BLM mining plan.

Most, or perhaps all, of the information requested below has been included in previous submittals, but there is no single, complete, consolidated document with all the information required for the NOI. It is important that the Division have one document as the NOI, and it would be impossible to piece together the information from previous submittals to make a properly formatted, coherent NOI. Please format your response to this letter such that the information can be inserted in the March 11, 2009, submittal. Alternatively, you could submit the information on a totally new NOI form.

The following information is needed before the March 11, 2009, submittal can be determined complete:

1. Please state the name and mailing address of the land owner. The Division is aware that it is the BLM, but the information needs to be included in the NOI.
2. Please include the BLM project number.
3. The NOI needs to contain a statement, signed by an officer of the operator, that reclamation will be conducted as required by the R647 rules.



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4. Variances. For the following reasons, the Division believes no variances are needed, that your concerns about soil salvage and vegetation establishment are addressed in the rules, and that the variance requests can be removed. If you still feel otherwise, please include further justification and alternate methods that would be used.

- Soils. Rule R647-3-107.5 says, "Suitable soil material shall be removed and stored in a stable condition." Based on the site visit in September 2008, it appears there are undisturbed areas from which soil could be salvaged and saved for use in reclamation. Soil salvage is not required if there are areas with no suitable soil, such as might exist in previously disturbed areas.
- Vegetation. The requirement in R647-3-109.13 is that either, 1) Revegetation must achieve 70 percent of the premining cover, or 2) The Division must determine that vegetation has been established within practical limits. If there is limited vegetation cover because the site was previously mined and has no topsoil, the success standard is lower. If an operator does everything within practical limits and cannot get adequate vegetation to establish, the site can still be released based on a determination to that effect. Please note, however, that the BLM's standards may be different than the Division's.

In addition to these deficiencies, the plan contains statements that are inconsistent with the requirements of other agencies. While these are not within the Division's jurisdiction, they should still be corrected:

1. The Department of Transportation is not the agency that should be notified in case of an oil or fuel spill. The Division of Solid and Hazardous Waste or the Division of Emergency Response and Remediation within the Department of Environmental Quality needs to receive this notification.
2. The NOI says no dust control is planned. Air Quality regulations (R307-205) have certain dust control requirements that apply to all sources of fugitive dust emissions except agricultural activities. Emissions must be maintained at no more than 20% opacity. Rule R307-205-5 lists measures that must be used for any person engaging in clearing or leveling of land greater than one-quarter acre in size. Methods to be used include watering, chemical stabilization, and planting vegetation cover.
3. The Division of Water Quality requires a plan for managing storm water.

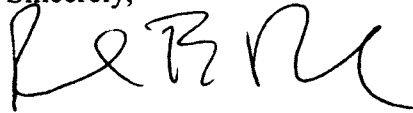
There may be other requirements of which the Division is not aware. Compliance with the Division's rules in R647 does not relieve an operator from complying with other applicable requirements.

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A reclamation surety and a reclamation contract are required. The Division will coordinate with the BLM to determine the amount, and we will consider the calculations you provided.

If you have any questions regarding this letter, please call me at (801) 538-5261. In reply, please refer to file number S0150097. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'PBB' followed by a stylized flourish.

Paul B. Baker
Minerals Program Manager